THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 1415 of 2007

Date: 25.01.2007

Between:

R. Srinivas, s/o Rajanna, aged 32 years, Occ: Ex-Contract labour, H.No.3-5-139, Ramnagar, Ramagundam, Karimnagar District.

..... PETITIONER

AND

The Chief Engineer, O & M, Ramagundam Thermal Station,A.P. Genco Ltd., Ramagundam, Karimnagar District and another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 1415 of 2007

Order:

This writ petition is filed seeking a Mandamus declaring the action of the 2nd respondent in issuing the impugned letter, dated 30.12.2005, wherein he rejected the case of the petitioner for absorption/appointment as regular employee of the respondent-Organization in the existing vacancies, as per B.P. Ms. No. 36, dated 18.05.1997, on the ground that there is no employer and employee relationship between them, as illegal and arbitrary, and consequently to direct the respondents to re-consider his case for absorption/appointment as Driver/Junior Plant Attendant (JPA) or in any other suitable post.

When the matter is taken up for admission, learned Standing Counsel for the respondents-Organization submits that in view of the judgment of the apex Court in "***Steel Authority of India Ltd. v. National Union Water Front Workers***[1]" the petitioner is not entitled to any relief in this writ petition and he has to approach the labour authorities under the Industrial Disputes Act, 1947 for redressal of his grievances.

In ***Steel Authority of India Ltd's case*** (1 supra), it was observed by the apex Court that the determination of question as to whether the contract of employment of labour is a genuine one or a mere ruse/camouflage to evade the provisions of beneficial labour legislation, requires inquiry into disputed questions of facts which cannot conveniently be made by High Courts in exercise of jurisdiction under Article 226 of the Constitution, and the appropriate authority to go into those issues will be Industrial Tribunal/Court whose determination will be amenable to judicial review. Hence, this Court, in

exercise of jurisdiction under Article 226 of the Constitution, cannot gone into the disputed questions of fact and grant any relief to the petitioner and the appropriate authority to go into those issues will be the Industrial Tribunal.

In the circumstances, the writ petition is dismissed granting liberty to the petitioner to approach the labour authorities under the Industrial Disputes Act, 1947 for redresal of his grievances. No costs.

N.V. RAMANA, J.

Date: 25.01.2007
NSR/SJ

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[1] 2001 (6) ALD 1 (SC)